

AMENDED JUDGMENT

UNITED STATES DISTRICT COURT

AUG 2 3 2018

Clerk, U S District Court District Of Montana

3 CD GIVIEI V	•	District of Mi	ontana		Billings				
UNITED	STATES OF AMERICA v.	JUDGMENT IN A CRIMINAL CAS							
Jo	shua Lee Hagen)	Case Number: CR	16-107-BLG-SPW-3					
)	USM Number: 16	527-046					
)	Dwight Schulte (ap	ppointed)					
THE DEFENDAN	Т:)	Defendant's Attorney						
✓ pleaded guilty to cou									
pleaded nolo contend which was accepted	lere to count(s)								
☐ was found guilty on after a plea of not gu									
The defendant is adjudi	cated guilty of these offenses:								
Title & Section	Nature of Offense			Offense Ended	Count				
21usc846, 841b1A	Conspiracy to Posses	ss with Intent to D	istribute and	10/13/2016	1				
	Distribute Methamphe	etamine							
The defendant is the Sentencing Reform	sentenced as provided in pages Act of 1984.	2 through7	of this judgmen	nt. The sentence is impos	ed pursuant to				
☐ The defendant has be	een found not guilty on count(s)								
☑ Count(s) 2 and 8	B	is are dismis	ssed on the motion of the	ne United States.					
It is ordered th or mailing address until the defendant must noti	at the defendant must notify the lall fines, restitution, costs, and sp fy the court and United States at	United States attorno secial assessments in torney of material c	ey for this district within nposed by this judgmen changes in economic cir	n 30 days of any change o t are fully paid. If ordered cumstances.	f name, residence to pay restitution				
		Date of	Imposition of Judgment Listen Control The of Judge	Watten					
			an P. Watters, District	Judge					
		8- 3	72-2018						

Judgmer	nt — Pa	ıge	2	of	7	

CASE NUMBER: CR 16-107-BLG-SPW-3

	IMPRISONMENT
term of:	The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total
24 mo	nths
	•
Ø	The court makes the following recommendations to the Bureau of Prisons:
The d	efendant be placed in Yankton FCI because it's close to family.
	The defendant is remanded to the custody of the United States Marshal.
	The defendant shall surrender to the United States Marshal for this district:
	at a.m. p.m. on
	as notified by the United States Marshal.
※ ☑	The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
	before 2 p.m. on
	as notified by the United States Marshal.
	as notified by the Probation or Pretrial Services Office.
	RETURN
I have e	xecuted this judgment as follows:
1 nave c	Accured this judgment as follows.
	Defendant delivered on to
	
at	, with a certified copy of this judgment.
	UNITED STATES MARSHAL
	By
	DEPUTY UNITED STATES MARSHAL

AO 245B (Rev. 02/18)	Judgment in a Criminal Case
·	Sheet 3 — Supervised Release

CASE NUMBER: CR 16-107-BLG-SPW-3

SUPERVISED RELEASE

Judgment—Page _

3 of

Upon release from imprisonment, you will be on supervised release for a term of : 5 years.

MANDATORY CONDITIONS

1.	You	must not commit another federal, state or local crime.
2.	You	must not unlawfully possess a controlled substance.
3.	You impr	must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from isonment and at least two periodic drug tests thereafter, as determined by the court.
		☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. (check if applicable)
4.		You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. (check if applicable)
5.	V	You must cooperate in the collection of DNA as directed by the probation officer. (check if applicable)
6.		You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. (check if applicable)
7.		You must participate in an approved program for domestic violence. (check if applicable)

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

• • • •			
Judgment—Page	-	or	

CASE NUMBER: CR 16-107-BLG-SPW-3

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

- 1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame
- 2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
- 3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.

4. You must answer truthfully the questions asked by your probation officer.

- 5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
- 7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- 9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
- 10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
- 11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- 12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
- 13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature	Date	
Defendant's Signature	 Date	

Judgment—Page 5 of 7

DEFENDANT: Joshua Lee Hagen

CASE NUMBER: CR 16-107-BLG-SPW-3

SPECIAL CONDITIONS OF SUPERVISION

- 1. The defendant will provide the United States Probation Officer with any requested financial information and shall incur no new lines of credit without prior approval of the United States Probation Officer. You must notify the Probation Officer of any material changes in your economic circumstances that might affect your ability to pay restitution, fines or special assessments.
- 2. The defendant shall participate in a program for mental health treatment as deemed necessary by the United States Probation Officer, until such time as the defendant is released from the program by the probation officer. The defendant is to pay part or all of the cost of this treatment, as directed by the United States Probation Office.
- 3. The defendant shall submit their person, residence, place of employment, vehicles, and papers, to a search, with or without a warrant by any probation officer based on reasonable suspicion of contraband or evidence in violation of a condition of release. Failure to submit to search may be grounds for revocation. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. The defendant shall allow seizure of suspected contraband for further examination.
- 4. The defendant shall participate in and successfully complete a program of substance abuse treatment as approved by the United States Probation Office, until the defendant is released from the program by the probation officer. The defendant is to pay part or all of the cost of this treatment, as directed by the United States Probation Office.
- 5. The defendant shall abstain from the consumption of alcohol and shall not enter establishments where alcohol is the primary item of sale.
- 6. The defendant shall participate in substance abuse testing, to include not more than 365 urinalysis tests, not more than 365 breathalyzer tests, and not more than 36 sweat patch applications annually during the period of supervision. The defendant shall pay all or part of the costs of testing as directed by the United States Probation Office.
- 7. The defendant shall not possess, ingest or inhale any toxic substances such as, but not limited to, synthetic marijuana, kratom and/or synthetic stimulants such as bath salts and spice, that are not manufactured for human consumption, for the purpose of altering the defendant's mental or physical state.
- 8. The defendant shall not purchase, possess, use, distribute or administer marijuana, or obtain or possess a medical marijuana card or prescription.

Judgment —	Page	6	of	7	

CASE NUMBER: CR 16-107-BLG-SPW-3

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

TOT	ΓALS	;	\$	<u>Ass</u>	<u>essm</u>).00	<u>ent</u>		;	\$ <u>17</u>	VTA	A As	<u>sessi</u>	ment	<u>*</u>		<u>Fi</u> \$	<u>ine</u>				;	\$	estit	uti <u>o</u>	<u>n</u>					
	The c					tituti	on is	def	erred	i un	til _	_		_•	An	Ame	ende	d Ju	dgm	ent i	n a	Cri	mina	ıl Ca	ase (/	10 24	15C) 1	will t	e en	itered
	The c	iefen	ıdant	must	mak	e res	tituti	on (i	inclu	ıdin	g co	mmu	ınity	rest	tituti	on) t	o the	e foll	owin	g pa	yees	in t	he ar	nour	nt lis	ted b	elow	'.		
	If the the pr befor	defe riorit e the	ndar ty ord Uni	nt mai der on ted S	kes a perc tates	parti enta is pa	al pa ge pa id.	yme iyme	ent, e ent c	each olur	pay nn b	ee sh elow	all ro /. Ho	ecei owe	ve a	n app purs	orox uant	imate to 1	ely pi 8 U.S	ropo S.C.	rtion § 36	ed p 64(i	aym), all	ent, non	unle: fede	ss sp ral v	ecific	ed oth	erwi st be	se in paid
Nan	ie of	Paye	<u>e</u>										To	tal J	Loss	**]	Resti	tuti	on O	rde	red		<u>Pr</u>	iorit	y or	Perc	entag	<u>ze</u>
		. y. yê ê														2007 				.d) / 				<u></u>				
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1													د د د د د د د د د د د د د د د د د د د		Fig.						71.31 71.31									
										1	2 1 1 je					.4											. e			
		· · · · · · · · · · · · · · · · · · ·						: :										si "	. 4							•				
				i i i i i i i i i i i i i i i i i i i			•	- -						<i>I</i>								. 1 1	. (. <u> </u>		
				9 1)						Na Sa							ja.							e . Na e		1. 3			100	
TO 1	ΓALS	3				\$	·					0.0	00_		\$					ļ	0.00	_								
	The fifte	defe enth	ndan day	t mus	t orde st pay the da	inte	rest of	on re	estitu gmen	itior it, p	ı and	d a fi	ne oi	U.S	S.C.	§ 361	12(f)	00, uı	nless l of t	the the p	restit ayme	utio ent c	n or ptio	fine ns or	is pa n She	nid in	ı full may	befoi be su	e the	e t
	-				inque	•			_														_							
					ned th														and	it is	orde	red 1	hat:							
	_				quirer							_	fine			estitu 1 is m			e fol	lows										
	Ц	ine i	ntere	st rec	quirer	nent	tor t	116		j I	ine		ге	อนเเ	atiOI.	1 15 11	wull	TEU 9	9 10I	10 W 2	•									

^{*} Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

•					
	Judgment —	Page	7	of	7

CASE NUMBER: CR 16-107-BLG-SPW-3

SCHEDULE OF PAYMENTS

Hav	ing a	ssessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:
Α	Ø	Lump sum payment of \$ 100.00 due immediately, balance due
		□ not later than, or □ in accordance with □ C, □ D, □ E, or ☑ F below; or
В		Payment to begin immediately (may be combined with \square C, \square D, or \square F below); or
С		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or
D	□	Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
E		Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
F	Ø	Special instructions regarding the payment of criminal monetary penalties:
		Criminal monetary penalty payments are due during imprisonment at the rate of not less than \$25.00 per quarter, and payment shall be through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk, United States District Court, James F. Battin U.S. Courthouse, 2601 2nd Ave North, Ste 1200, Billings, MT 59101.
Unle the p Fina	ess the period ncial	the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during do f imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmail Responsibility Program, are made to the clerk of the court.
The	defe	ndant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.
	Join	nt and Several
	Defand	fendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, corresponding payee, if appropriate.
	The	e defendant shall pay the cost of prosecution.
	The	e defendant shall pay the following court cost(s):
	The	e defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVTA assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.